



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007-2601

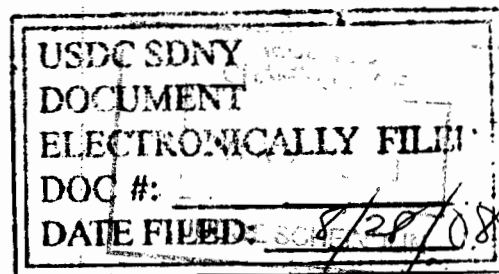
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August 27, 2008

By Facsimile Transmission to 212-805-7920:

Honorable Shira A. Scheindlin
United States District Judge
Southern District of New York
500 Pearl St., Room 1620
New York, NY 10007



Re: Fierro v. City of New York, et. al.,
08 Civ. 5329 (SAS) (JCF)
Matter No. 2008-029473

Dear Judge Scheindlin:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants City of New York and Department of Education in the above-referenced actions. I write to request an extension of time to respond to the complaint from August 28, to September 29, 2008. This is defendants' first request for an extension and plaintiff consents to this request.

The reason for this request is two fold. First, defendants believe they may have a successful motion to dismiss based on failure to timely file after receiving a right to sue letter from the Equal Employment Opportunity Commission ("EEOC"). In this case, the annexed right to sue letter states that it was mailed on September 17, 2007, and the complaint was not filed until June 11, 2008, far beyond the 90 day statute of limitations to file. However, plaintiff alleges in the complaint that neither plaintiff nor plaintiff's counsel received the EEOC letter until March, 2008. See Complaint, ¶ "15." This unusual set of circumstances calls for additional research by this office in order to determine whether defendants should file an answer or move to dismiss the complaint.

Request granted. Defendants' time to respond to the Complaint is extended to and including September 29, 2008. So Ordered.

Just JCF
8/28/08

HONORABLE SHIRA A. SCHEINDLIN

United States District Judge

Joseph Fierro v. City of New York, et. al.,

08 CV 5329(SAS)(JCF)

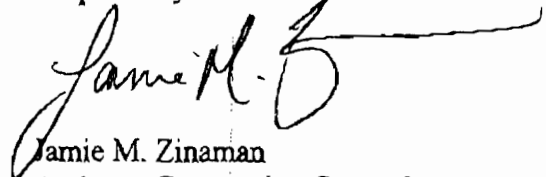
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Second, there are several individually named defendants in this action. I do not yet know which of these defendants have been served. Once that is determined the process for representation by this office must be completed. See N.Y. Gen. Mun. L. § 50-k. This extension of time will allow this office to determine who has been served, complete the process for determining whether this office will represent the individuals, and, hopefully, file one response on behalf of all defendants, rather than file responses to the complaint in a piecemeal fashion.

Thank you for your consideration of this request.

Respectfully submitted,



Jamie M. Zinaman

Assistant Corporation Counsel

cc: Kathy Polias
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Brooklyn, NY 11217
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